

## **REMARKS**

Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31, and 33-54 were rejected under 35 U.S.C. § 102(e) as being anticipated by US RE 37722 by Burnard et al. (“Burnard”).

Applicants amend independent claims 1, 9, 17, 25, 37, 41 and 45 to require wherein each of a plurality of the control objects is in a different layer, wherein each layer, when presented on a user interface used to create or edit the graphics file, appears as a series of transparent overlays of the layers on the user interface, and wherein each layer contains an image of the user interface of the application program, such as supported at least at Figs. 4-6; page 16, lines 3-21; page 13 lines 29-31; and page 17 lines 14-15 of the application. Claims 6, 14, 22 and 30 are amended to require that the control element is an edit control to manipulate a time-based stream of digital video information by moving a play-head along a course of frames of a clip of a digital video scene of interest, as supported at least by Figs. 7a-c; and page 22, line 27 through page 25, line 5 of the application. Amendments to Claim 38 are supported at least at page 16, lines 5-8 of the application. Claim 51 is amended to require the graphics editor forwarding through, reversing through, and editing frames of a clip of digital video, such as described at least at Figs. 7a-c; page 17, line 27 through page 19, line 3; page 21, line 13 through page 24, line 5; and page 24, line 33 through page 25, line 5 of the application. Claim 52 is amended to require that the application program comprises a video editing program to edit video and movies having a time based stream of video information, such as supported at least at Figs. 7a-c; page 23, lines 31-34; and page 25, lines 1-5 of the application. Applicants submit additional claim 55 for consideration, which is supported at least at page 16, lines 3-13 of the application. Hence, Applicants submit that no new matter is added herein.

Applicants respectfully request reconsideration of the pending claims and consideration of the added claim.

### **I. Claims Rejected Under 35 U.S.C. § 102**

Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31, and 33-53 are rejected under 35 U.S.C. § 102(e) as being anticipated by US RE 37722 by Burnard et al. (“Burnard”).

Applicants disagree with the rejection of independent claims 1, 9, 17 and 25 for at least the reason that the cited reference does not disclose a graphic file created by a multi-layered type

computer program, the graphic file containing a list of control objects, wherein each control object is editable by a user, and is independently editable relative to a different control object, wherein each of a plurality of the control objects is in a different layer, wherein each layer, when presented on a user interface used to create or edit the graphics file, appears as a series of transparent overlays of the layers on the user interface, and wherein each layer contains an image of the user interface of the application program; and an application program other than the computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface of the application program, the control element having at least one attribute dictated by one of the control objects accessed from the graphic file (limitations of claim 1 use representatively for claims 9, 17, and 25).

Burnard describes creating a separate object oriented programming archive graphical user interface base class so that subclasses can be instantiated to provide an interface object through which the archived class can be directly accessed by an application program (see columns 10-12 and column 15, line 52 though column 16, line 64). The primary purpose of Burnard is to provide a prefab functionality for system level services which developers can modify or overwrite to create customized solutions, thereby avoiding the awkward procedural calls necessary with the prior art application framework programs (see column 10, lines 1-8). The objects are created and stored by a separate "constructor" program using a special "escort" object (see column 4, line 60 through column 5, line 8 and column 16, line 65 through column 32, line 67). A subclass of the base class archive file is instantiated by compiling the names of the subset of desired archived objects selected from the base class into an application program so that those selected objects are bundled as a subclass into the shared library associated with the application program for compiling (see column 7, lines 40-57; column 8, lines 7-37; column 11, lines 42-52; column 12, lines 17-20; column 15, line through column 16, line 64).

Burnard teaches that user interface objects are stored in a hierarchical locale tree within the archive. As the tree proceeds away from the root locale the locales become more-and-more specific as to language (see column 4, lines 40-59). Such a tree includes a locale hierarchy begins at the root locale 300 and includes a "language" level 302, a "country" level 304 and a "regional" level 308 (see Fig. 3A and column 13, lines 12-44).

Burnard also teaches that the system framework of Burnard cures problems of prior application framework approaches (see Col. 9 lines 22 to col. 10 line 30). Thus, by discrediting

and otherwise discouraging “These application frameworks include a set of standard objects which create windows, scroll bars, menus, etc., each with its own pre-defined behavior.” (see Col. 9 lines 50 to col. 10 line 19) , Burnard teaches against the objects which create windows, scroll bars, menus, etc., of these application frameworks (see Depuy Spine, Inc. v Medtronic Sofoamor Danek, Inc. CFAC Docket 2008-1240, -1253, -1401, decided June 1, 2009, page 14-15 (also see MPEP 2141.02 and 2143.01)).

However, the Patent Office has not identified and Applicants are unable to find any disclosure or capability in Burnard of the above noted limitations of the independent claims. Specifically, Burnard does not disclose accessing a stored graphical file created by a multi-layered type computer type program, wherein each of a plurality of the control objects is in a different layer, wherein each layer, when presented on a user interface used to create or edit the graphics file, appears as a series of transparent overlays of the layers on the user interface, and wherein each layer contains an image of the user interface of the application program, as claimed.

Applicants also disagree with the rejection of independent claims 37, 41 and 45 for at least the reason that the cited reference does not disclose creating a graphic file containing a list of layers, wherein each layer dictates at least one attribute of a control element, wherein each layer is editable by a user, and is independently editable relative to a different control object, wherein each of a plurality of the control objects is in a different layer, wherein each layer, when presented on a user interface used to create or edit the graphics file, appears as a series of transparent overlays of the layers on the user interface, and wherein each layer contains an image of the user interface of the application program (limitations of claim 37 use representatively for claims 41 and 45). The argument provided above with respect to claim 1 and the teachings of columns 24 and 29 of Burnard applies here as well.

In addition to being dependent upon allowable base claims, Applicants disagree with the rejection of dependent claims 6, 14, 22, and 30 for at least the reason that Burnard does not disclose that the control element is an edit control to manipulate a time-based stream of digital video information by moving a play-head along a course of frames of a clip of a digital video scene of interest, as required by those claims.

Specifically, Burnard teaches that a “previewer” may examine an actual instance of an object by creating an instantiation of the “dialogue” to allow the user to push the buttons, click the controls, etc. (see column 24, lines 5-55). Thus, the “dialogue” described in Burnard, at best, references a single user interface or GUI instantiated by a user interface object (Id.). Later, Burnard describes a “View Editor” that can be used for assembling view hierarchies and “dialogue” panels so that a user can graphically design windows, dialogues, and view hierarchies by choosing user interface elements from a menu or palette (see column 29, lines 15-35). Thus, using the view editor, a user can draw a user interface and avoid non-intuitive results such as resizing a view that contains a button to the extent that the button is lost (see column 29, lines 36-52). Here again, at best, the “view editor” is displaying a sequence of user interfaces or GUI’s (Id.). However, the Patent Office has not identified and Applicants are unable to find any disclosure or capability in Burnard of the above noted limitations of these claims.

Moreover, Burnard teaches that objects may contain translations of various languages and translations for use in different time zones such as the pacific time zone, eastern time zone, central time zone, etc. (see Fig. 3A and column 13, lines 22-44). However, these geographic time zones do not describe an edit control to manipulate a time-based stream of digital video information by moving a play-head along a course of frames of a clip of a digital video scene of interest, as required by the dependent claims 6, 14, 22, and 30.

In addition to being based on an allowable base claim, Applicants disagree with the rejection above of claim 38 for at least the reason that the cited reference does not disclose wherein each of the plurality of the control objects in the different layers is selected and changed without affecting any other layer of the composite of the layers on the user interface, as required by amended claim 38 (without limitation thereto, see page 16, lines 5-8 of the application). An argument analogous to the one above for claim 1, but even more so, applies here as well.

In addition to being based on an allowable base claim, Applicants disagree with the rejection above of claim 51 for at least the reason that the cited reference does not disclose that the multi-layered type computer program comprises a graphics editor; the graphics editor forwarding through, reversing through, and editing frames of a clip of digital video, as required by amended claim 51. An argument analogous to the one above for claim 6, but even more so, applies here as well.

In addition to being based on an allowable base claim, Applicants disagree with the rejection above of claim 52 for at least the reason that the cited reference does not disclose that the application program comprises a video editing program to edit video and movie having a time based stream of video information, as required by claim 52. An argument analogous to the one above for claim 6, but even more so, applies here as well.

Applicants also disagree with the rejection of claim 52 for at least the reason that Burnard does not disclose that the control objects may be edited to revise the control elements of the graphical user interface of the application without converting the graphical user interface of the application program to an intermediate format or recompiling the graphical user interface of the application program, as required by claim 52. Burnard describes that the constructors view editor may be used to directly manipulate the user interface elements of the user interface archive file base class, without compiling (see column 29, lines 16-54). However, this does not describe editing control objects to revise the control elements of the graphical user interface of the application program without converting the graphical user interface of the application program to an intermediate format or recompiling the graphical user interface of the application, as required by claim 52. As noted above, the object oriented programming of Burnard requires compiling of the program and the subclass of archived objects bundled into a shared library associated with the program (see column 3 lines 3-16; column 7, lines 40-54; column 11, lines 40-52; and column 15, line 53 through column 16, line 64; column 28 lines 54-67).

Applicants also disagree with the rejection of claim 52 for at least the reason that Burnard does not disclose wherein the control objects may be edited by adding, deleting, or changing the control object to revise the control elements of the graphical user interface of the application program without converting the graphical user interface of the application program to an intermediate format or recompiling the graphical user interface of the application program as required by claim 54. An argument analogous to the one immediately above applies as well.

Applicants submit that any dependent claims not mentioned above are patentable over the cited references for at least the reasons provided above in support of their base claims as well as any additional limitations of those dependent claims.

Hence Applicants respectfully request all of the rejections above be withdrawn.

## II. Additional Claim 55

Applicants submit that additional claim 55 is patentable for at least the reasons provided above in support of its base claim (claim 1), as well as the additional limitations of claim 55. For example, Burnard does not contemplate or provide the capability wherein each of the layers has an order relative to the other layers in the series of transparent overlays (without limitation thereto, see page 16, lines 3-13 of the application).

## CONCLUSION

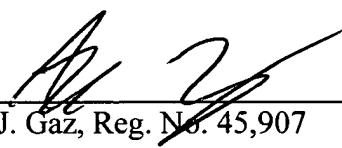
In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

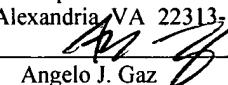
Dated: 3/1/10

  
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Angelo J. Gaz

  
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